

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PERPECTO RICO-PEREZ.

Defendant.

No. 05-CR-2019-LRR

**ORDER REGARDING  
MAGISTRATE'S REPORT AND  
RECOMMENDATION  
CONCERNING DEFENDANT'S  
GUILTY PLEA**

***I. INTRODUCTION AND BACKGROUND***

On May 20, 2005, a three-count Indictment (docket no. 1) was filed against Defendant Perpecto Rico-Perez. On July 21, 2020, Defendant appeared before United States Magistrate Judge Mark A. Roberts and entered a plea of guilty to Count 3 of the Indictment. On July 22, 2020, Judge Roberts filed a Report and Recommendation in which he recommended that the court accept Defendant's guilty plea. No objections to the Report and Recommendation were filed and the deadline for filing objections has passed. The court, therefore, undertakes the necessary review of Judge Roberts's recommendation to accept Defendant's plea in this case.

***II. ANALYSIS***

Pursuant to statute, this court's standard of review for a magistrate judge's report and recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Criminal Procedure 59(b) provides for

review of a magistrate judge's report and recommendation on dispositive motions, where objections are made, as follows:


The district judge must consider de novo any objection to the magistrate judge's recommendation. The district judge may accept, reject, or modify the recommendation, receive further evidence, or resubmit the matter to the magistrate judge with instructions.

Fed. R. Civ. P. 59(b)(3).<sup>1</sup>

In this case, no objections have been filed, and it appears to the court upon review of Judge Roberts's findings and conclusions that there is no ground to reject or modify them. Therefore, the court **ACCEPTS** Judge Roberts's Report and Recommendation of July 22, 2020, and **ACCEPTS** Defendant's plea of guilty to Count 3 of the Indictment.

**IT IS SO ORDERED.**

**DATED** this 6th day of August, 2020.

  
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LINDA R. READE, JUDGE  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA

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<sup>1</sup> *United States v. Cortez Hernandez*, 673 F. App'x 587, 590-91 (8th Cir. 2016) (per curiam), suggests that a defendant may have the right to de novo review of a magistrate judge's recommendation to accept a plea of guilty even if no objection is filed. *But see* 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b). The district court judge will undertake a de novo review of the Report and Recommendation if a written request for such review is filed within fourteen days after this order is filed.